

REPORT - PLANNING COMMISSION MEETING
June 9, 2005

Project Name and Number: Automall Commons General Plan Amendment and Rezoning (PLN2005-00167)

Applicant: Jamal Rabanni

Proposal: The proposed project consists of a General Plan Amendment and rezoning of an approximately 0.94 acre parcel from a general plan designation of Office Commercial to Medium Density Residential (15 – 18 dwellings per acre) and from P-69-2 (Planned Development) to R-3-18 (Multi-family Residential) zoning district.

Recommended Action: Recommend to City Council

Location: 4343 Automall Parkway at South Lake Commons in the Irvington Planning Area

Assessor Parcel Number(s): 525-1250-062-00

Area: 0.94 acres

Owner/Applicant: Magigmag LLC/ Jamal Rabanni

Agent of Applicant: None

Consultant(s): Edge Concepts, Inc., Design Consultants; Robert A. Karn, Civil Engineer

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project.

Existing General Plan: Office Commercial

Existing Zoning: Planned District, P-69-2

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. A total of 1,667 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 13, 2005. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005. The item was continued to June 9, 2005 due to an error in noticing. A courtesy notice was mailed to owners and occupants on May 24, 2005 notifying them of the continuance.

Executive Summary: The applicant is requesting a General Plan Amendment and Rezoning to develop the site with between 16 and 17 residential units. The site currently has a General Plan land use designation of Office Commercial and is zoned for office uses as part of a larger Planned District, which includes a mobile home park. Staff has determined that redesignating the property for residential uses would implement General Plan Housing Element goals, specifically, Program 21 (Commercial and Industrial Redesignation). Staff is requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and the redesignation and rezoning to the City Council.

Background: The site was part of a larger parcel that was developed primarily as a mobile home park, with the remainder parcel being designated for office commercial uses. The entire area of development is designated as planned development, P-69-2. In 1999, a Major Amendment to P-69-2 for site plan and architectural review was granted for the development of a 12,150 square foot office building at the site. However, the building was never constructed and the entitlement permit has expired. Since that time, the demand for office space has reduced significantly and the applicant is

requesting that the City approve a redesignation and rezoning to a medium density designation of 15 – 18 dwellings per acre to allow the construction of townhomes.

The site is considered an opportunity site for the development of housing at medium and higher densities under Program 21 of the Housing Element (Redesignation of Commercial and/or Industrial Lands east of I-880). The proposed redesignation and rezoning provide increased opportunities for future development of new housing within the community to meet City of Fremont Housing Element objectives.

Project Description:

The proposal consists of a General Plan Amendment to change the land use designation from Office Commercial to Residential Medium density 15-18 dwelling units per acre and a corresponding rezoning from Planned District (P-69-2) to Multiple Family Residential (R-3-18). The applicant has indicated strong interest in developing the site with between 16 and 17 townhomes in the near future and intends to submit for Site Plan and Architectural Approval upon approval of the General Plan Amendment and Rezoning of the parcel. While no plans have been formally submitted, the applicant submitted conceptual layout plans that show how the site can generally support the mid-point to maximum density range of the proposed Medium Density Residential (15-18 dwellings per acre) General Plan land use designation, while providing an appropriate transition and setbacks with the adjacent mobile home park as required by the R-3 District.

Surrounding land uses and setting: Surrounding land uses adjacent to the project site include mobile home park development (low density residential designation) to the north, east and west of the site, and industrial and service uses to the south of the site.

Analysis: The proposed re-designation and rezoning is intended to create opportunities for residential development on the site. The applicant has indicated a strong interest in developing the site with a residential townhome development.

The current General Plan land use designation for the site is Commercial Office. The site is slightly under an acre in size and adjacent to a low-rise mobile home park community. While a commercial office development was approved for the site, no building permits were ever issued and the entitlement permit expired. Since then, the market for office buildings has weakened significantly. The applicant is proposing a re-designation to a medium density residential land use designation for the construction of residential units.

General Plan Conformance: The proposed General Plan Amendment will designate the site for medium density residential uses. The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

Fundamental Goal F8: *A Diversity of residential, recreational, cultural, employment and shopping opportunities.*

Fundamental Goal H3: *"Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002*

Housing Program Strategy Implementation 21: *Commercial and Industrial Redesignation: The City will actively solicit property owners and developers interested in redesignation of commercial and/or industrial lands on the easterly side of Interstate 880 for residential use. From the identified candidate sites, the City Council will determine the suitability of sites for conversion in accordance with other General Plan goals, objectives and policies in order to meet the objectives. Properties to be converted will be rezoned to the R-3 (Multiple-family residential) or P (Planned) districts at densities ranging from 5 to 50 units/acre to accommodate a total of 753 units. Based on staff's knowledge of these sites and of their ownership, these objectives can be achieved. If necessary, the City will act on reclassification and rezoning of lands on its own initiative. Where PD (Planned Development) zoning is utilized, the PD zoning established by the City Council will: 1) specify the uses allowed on the particular property, 2) establish a density range that is allowed by right, and 3) prescribe that the process for subsequent review of a project will require only Site Plan and Architectural Review by the Planning Commission in lieu of the requirement for adoption of an Ordinance adopting a Precise Plan.*

The proposed General Plan Amendment is consistent with these land use policies and implementation strategies because redesignation of site will allow increased opportunities for the production of medium density housing where appropriate and will implement key Housing Program Strategy 21 that are intended to facilitate the production of new housing in the City of Fremont.

Zoning Regulations: The site is currently zoned P-69-2, which includes the lands of the adjacent mobile home park. Future development on this site will be based upon the development standards of the R-3-18 zoning district. The R-3 standards provide for height limitations and increased setbacks where sites are adjacent to lower density residential site to ensure proper transition and buffer between uses. As a minimum of 16 units (midpoint density) is required, the project will return to the Planning Commission for Site Plan and Architectural Approval.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. A finding is proposed that this project would not have a significant effect on the environment. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council. The review period for the Initial Study and Draft Mitigated Negative Declaration began on April 27, 2005 and concluded on May 26, 2005. The County of Alameda Public Works Agency submitted comments regarding required improvements and design of the District storm drainage system to be considered at the time of development of the site. The Responses to Comments (enclosed) notes that the comments and suggestions listed will be required as conditions of approval of the Site Plan and Architectural Approval for the specific project. The Planning Commission is being asked to make a recommendation to the City Council on the use of a Mitigated Negative Declaration.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Property owner outreach:

The applicant held a neighborhood meeting at the mobile home park on January 17, 2005 to inform the residents of the proposed project. Seven residents were in attendance and a copy of the meeting notes is included as an enclosure. Most of the comments related to appropriate interface between the new townhouse development and the existing mobile home park community, such as setbacks, landscaping and parking. The applicant provided copies of a conceptual layout plan and indicated that the issues would be addressed during design of the future townhouse development project.

Response from Agencies and Organizations: The Alameda County Water District submitted a letter of No Comment on the Initial Study and Mitigated Negative Declaration but offered technical comments intended to assist the City and the proponent during subsequent planning and design of a specific project.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comment on the proposed project.

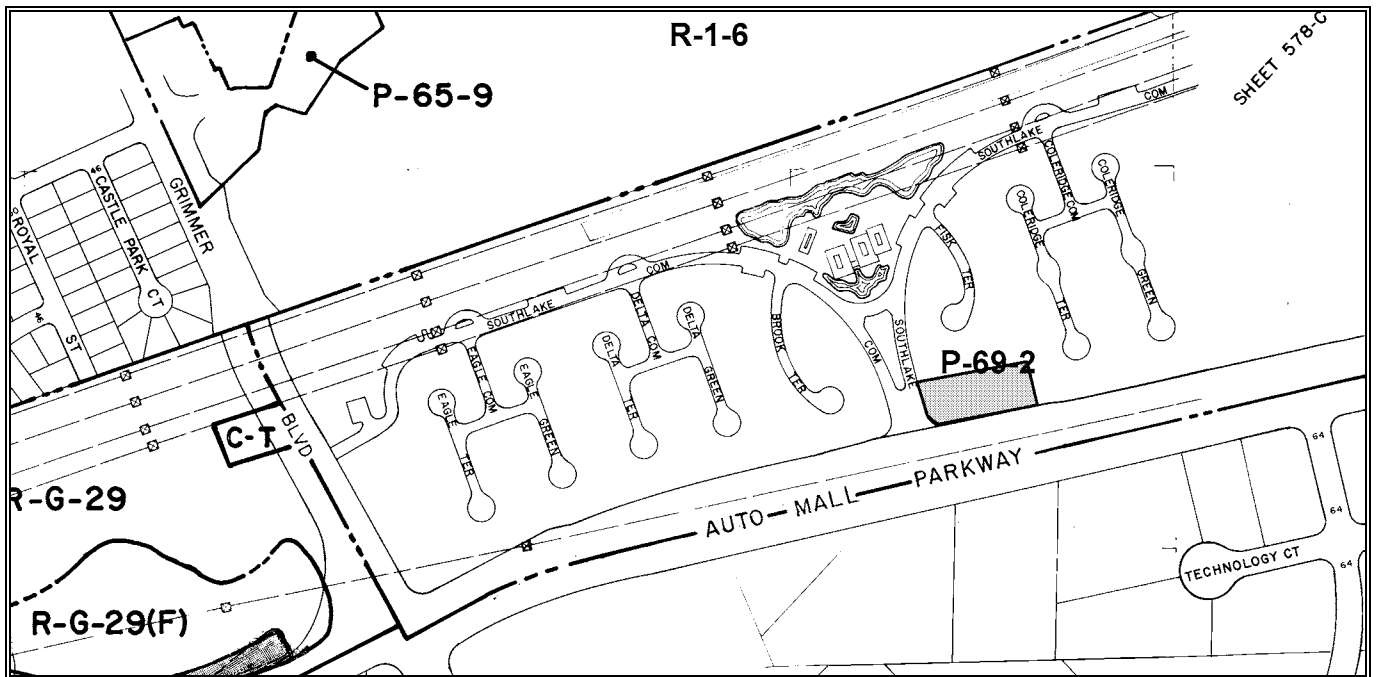
Exhibits: Exhibit "A" General Plan Exhibit
 Exhibit "B" Zoning Exhibit

Enclosures: Initial Study, Draft Mitigated Negative Declaration and Mitigation and Monitoring Plan
 Responses to Comments
 Letter of Comment from County of Alameda Public Works Agency
 Conceptual Layout of 17-unit townhouse development
 Minutes of Meeting with Mobile Home Park on January 17, 2005
 Letter of Comment from Alameda County Water District

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council approve a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Responses to Comments and find that it reflects the independent judgment of the City of Fremont.
4. Find that General Plan Amendment and Rezoning are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
5. Recommend that the City Council approve PLN2005-00167 to amend the General Plan land use diagram to designate the site for Residential, Medium Density (15-18 units/acre), and rezone it to the R-3-18 (Multiple Family Residential District) in conformance with Exhibits "A" (General Plan Amendment) and "B." (Rezoning Exhibit).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

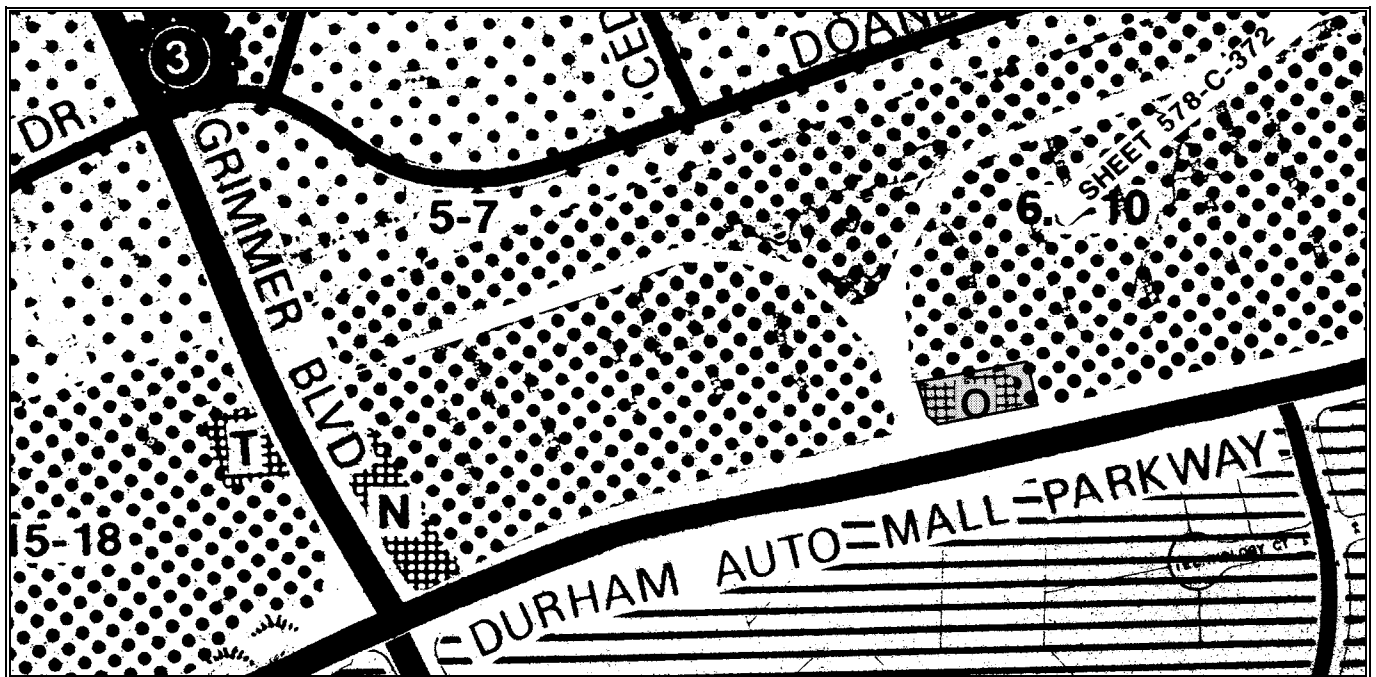


EXHIBIT "A"

Attached to and made a part of

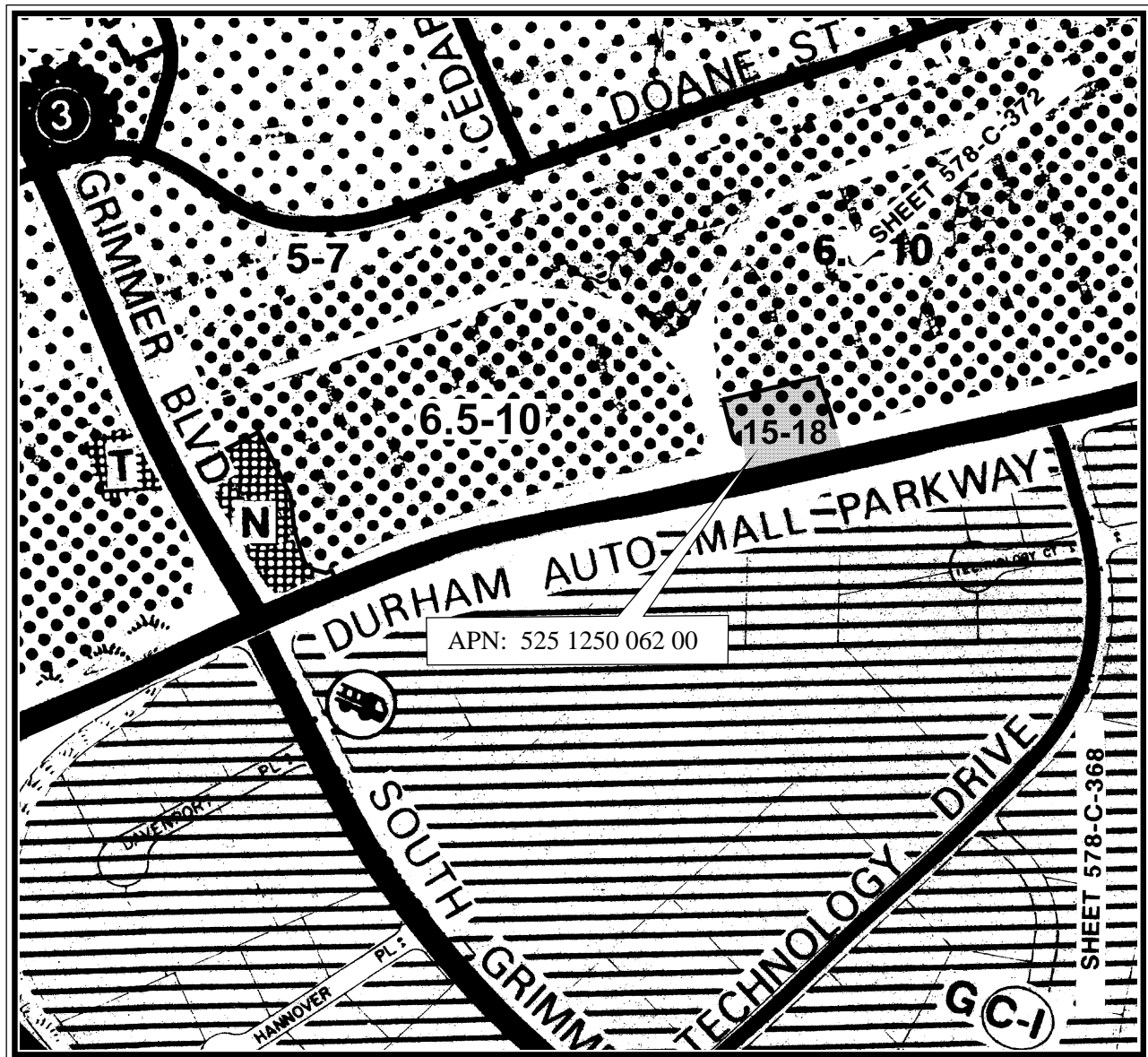
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE IRVINGTON PLANNING AREA



From: Commercial Office

To: Residential, Med 15-18 du/ac

Project Name: Automall Commons

Project Number: PLN2005-00167 (gpa)

[pc on 06-09-2005] 72-368, 78-368

DWC

EXHIBIT "B"

Attached to and made a part of

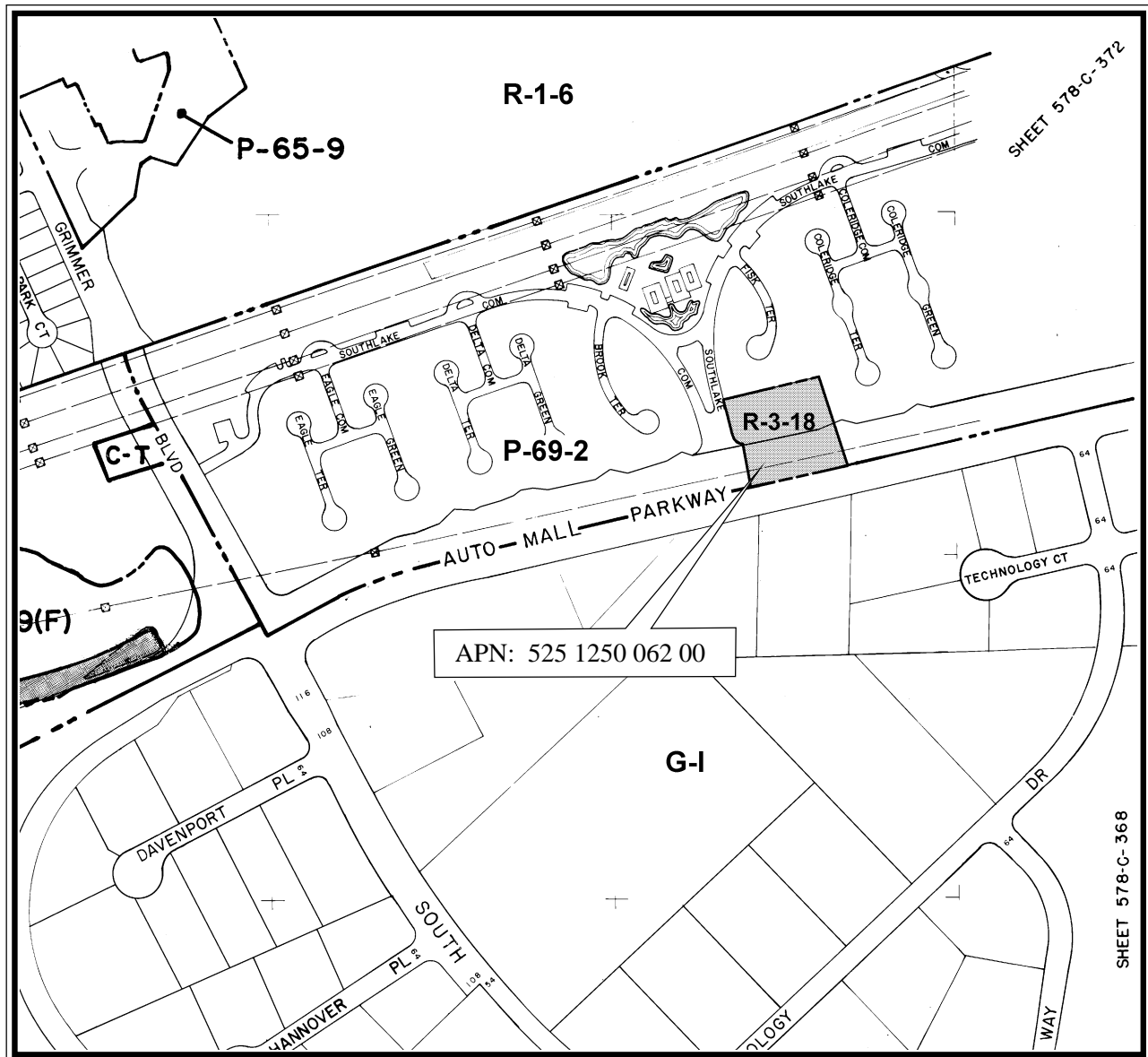
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



From: P-69-2

To: R-3-18

Project Name: Automall Commons

Project Number: PLN2005-00167 (rez)

DWC